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LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

#### THE ADVERTISER

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#### AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon Department of Environmental Quality OEA/EPD/Regulation Development P. O. Box 4314 Baton Rouge, LA 70821-4314

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I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER, a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration (LAC 33:111.504 and 509) (AQ246F)

was published in THE ADVERTISER on the following dates:

\*Wednesday, June 15, 2005

ROSE PENFOLD

Legal Clerk

Sworn to and subscribed before me this

day of June, 2005.

NOTARY

Department of vironmental Quality Office of Environmental Assessment

onattainment New Source Review; Prevention of Significant; Deterioration LAC 33:111.504 and 509) (AQ246F)

Inder the authority the Environmental ality Act. R.S. 2001 et seq., and in ordance with the visions of the Adnistrative Procere Act, R.S. 49:950 seq., the secretary res notice that rule-aking procedures ve been initiated to the authority and the Air regulans, LAC 33:III.504 d 509 (Log 20246F).

ns. LAC 33:III.504
d 509 (Log
Q246F)
Dn December 31,
02, the United States
vironmental Profecnn Agency published
final New Source Reew (NSR) rule reving the regulations
at implement the
revention of Signifiant Deterioration
SSD) and Nonattain at implement the revention of Signifiint Deterioration SD) and Nonattainient New Source Reiew (NNSR) provions of the Clean Air ct. To be approvable noted the State Implementation Plan (SIP), lates implementing art C (PSD permit rogram in §51.166) or art D (nonattainment ISR permit program 1 §51.165) must inlude EPA's Decemer 31, 2002, changes s minimum program lements. States must dopt and submit revions to their Part 51 permitting programs applementing these inliminations to their Part 51 permitting programs applementing these inliminations to their Part 51 permitting programs elements no later than lanuary 2, 2006 (67 ER 10240). This rule is also being proposed as alevision to the Louisiato being proposed as a revision to the Louisia-na State implementa-tion Plan for air quali-

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EPA's NSR revisions
(hereinafter Federal
NSR Reform rule) in-clude five major ele-

ments: Baseline Baseline Emissions—changes the method for determining the source's emissions before a change is made (the baseline against which emissions increases are

measured);
Applicability Test—
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for estimating the
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The basis and ration

ale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 30:2019(D) (2) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and so-clai/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. In the Galvez Building, Oliver Poliock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule, interested persons are invited to attend and submilt oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to: participate, contact. Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking garage when the parking in the Galvez parking garage when the parking itcket is validated by department personnel at the hearing.

All Interested persons are invited to submit written com-

submil written comments on the proposed regulation. Persons commenting a should reference this proposed regulation by AQ246F. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by email to judith.schuerman@la.gov. Coples of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ246F. This regulation is available on the internet at www.decl.ousiana.gov under Rules and Regulations.

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This proposed regulation is available for inspection at the following DEQ office locations from 8 am. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71029; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orteans, LA 7013; 111 New Center Drive, Lafayette, LA 70508; 110 Baratarla Street, Lockport, LA 70374, Wilbert F. Jordan, Jr.

Assistant Secretary

## CAPITAL CITY PRESS

RECEIVED

JUL 072005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

NOTICE OF INTENT

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Nonattainment New Source
Review: Prevention of
Significant Deterioration
(LAC 33:III.504 and 509)
(AC246P)
Under the authority of the
Environmental Quality Act, FI.S.
30:2001 et seq. and in accordance with the provisions of the
Administrative Procedure Act, R.S. 49:950 et seq. acture Act, R.S. 49:950 et seq. acture Act, and the secretary gives notice that rulemaking procedures have been initiated to amend the secretary of the Acc 33:III.504 and 508
(Log #AC246F).

On December 31, 2002, the United States Environmental Protection Agency published a linel New Source Heview (NSR) rule revising the regulations that implement the Prevention of Significant Deterloration

#### Publisher of THE ADVOCATE



#### PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

#### 06/15/05

Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

June 15, 2005

Singley, Notary Public, #66565 Commission Expires: Indefinite Baton Rouge, Louisiana

3098218

**DEQ - REGULATION** 

PO BOX 4314 **BATON ROUGE** 

LA 70821-4314

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 502 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule, interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need a nacommodation in order to participate, contact Judith A Schuerman, Ph.D. at the ddress given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

is validated by department personnel at the hearing.

Alf interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by A0246F. Such comments must be received no later than August 2, 2005, at 4300 pm., and should be sent to Judith A. Schuerman, Ph.D. Office of the Secretary, Legal Alfairs and Fiegulation Development Division, Box 4302, Batton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to Judith schuermanola gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of A0246F. This regulation is available on the internet at www.deq louislana.gov under Thies proposed regulation.

Rules and Regulation is available for inspection at the following DEO office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Streveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70618; 201 Evans Road, Building, 201 Evans Road, Building, 201 Evans Road, Center Drive Lalayette, LA 70508; 110 Barataria Street, LOckport, LA 70374. Wilcert F. Jordan, Jr. Assistant Secretary, 3098216-jun 15-1t

of Significant Deterioration

(PSD) and Nonattainment New
Source Review (NINSR) provisions of the Clean Air Act. To
be approvable under the State
Implementation Plan (SIP)
states implementing Part (C. (PSD) permit program (SIP)
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states implementing Part (SIP)
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states implemental program in
pst. 1655 must include EPA's
December 31, 2002, changes as
minimum program elements.
States must adopt and submit
revisions to their Part 51 permitting programs implementing
these minimum program elements no later than January 2,
2006 (67 FR 80240). This rule is
also being proposed as a revision to the Louisiana State
Implementation Plan for air
quality.

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puality.

EPA's NSR revisions (here-inalter Federal NSR Reform rule) include five major elements:
Baseline Emissions—changes the method for determining the source's emissions before a change is made (the baseline against which emissions increases are measured); Applicability Test—changes the method for estimating the emissions after the change.

Clean Unit Exclusion—disregards increases from emissions units that have installed controls within the last 10 years.

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or modified emissions units.

The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 30:2019 (D)(2) and R.S. 49:953(G)(3); therefore, no report regarding-environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

# CERTIFIED COPY

#### RECEIVED

JUN 2 1 2005

LDEQJOSEC/LARD REGULATION DEVELOPMENT SECTION

#### AFFIDAVIT OF PUBLICATION

( A Correct Copy of Publication )

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Nonatranment New Source Review; Prevention of Significant Deterioration (LAC 33:III.504 and 509) (AQ246F)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246F).

On December 3), 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement of Significant Deterioration (PSD) and

Nonattainment New Source Review (NNSR) provisions, of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD) permit program in Implementation Plat (25.7)
states implementing Part (PSD permit program in 51.163) or Part D (nonattainment NSR permit program in 51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air qualify.

EPA's NSR revisions (hereinafter Federal NSR Reform rule) include five major elements:

Baseline Emissions -changes the method for determining the source's emissions before a change is made (the baseline against which emissions against increases are measured);

Applicability Test -changes the method for estimating the emissions after the change;

Clean Unit Exclusion -disregards increases from emissions units that have installed controls within the last 10 years;

Pollution Control Project Exclusion - exempts cer-tain projects that will cause a significant increase in emissions of one pollutant, but reduce emissions of another pollutant; and

Plantwide Applicability Limits - allows facilities to establish a cap on emis-sions and trade increases and decreases under the cap, without installing con-trols on new or modified emissions units.

The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Gatvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule.

Interested persons are invited to attend and sub-mit oral comments on the mit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate. Contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ficket is validated by department personnel at the hearing. the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons cominvited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246F. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and / Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3382 or by e-mail to Judith, schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3188. Check or money order is required in advance for each copy of at (225) 219-3168. Check or money order is required in advance for each copy of AQ246F. This regulation is available on the Internet at www.deel.ouisiana.gov under Rules and Regulations. I, Linda Ward, Call Center Supervisor of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Legal Notice

advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertions commencing with the issue

dated June 15, 2005 and ending with the issue dated June 15, 2005.

Subscribed and sworn to before me

this 15th day of June, 2005

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m. 602 N. Fitth Street, Baton Rouge, LA 70802: 1823 Highway 546, West Monroe, LA 71292; State Office Building 1525 Fairfield Avenue, Shreveport, LA 71901; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orieans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Assistant Secretary

WILBERT F. JORDAN.

(6) 15

Notary Number

Lenda V. leh

NOTICE OF INTENT
Department of Environmental Quality, Office of Environmental
Assessment, Nonattainment New Source Review; Prevention of Sigifficant Deterioration
(LAC 33:111.504 and 509)
(AQ246F)
Under the authority of
the Environmental
Quality Act, R.S. 30:2001
et sea., and in accordance with the provisions of the Administrative Procedure Act, R.S.
49:950 et sea., the secre-

tive Procedure Act, R.S.
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Clean Unit Exclu-sion—disregards in-creases from emissions units that have installed controls within the last 10 years;

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Wilbert F. Jordan, Jr. Assistant Secretary June 15

CERTIFIED COPY

#### RECEIVED

JUN 2 1 2005

LDEQ/DSEC/LARD REGULATION DEVELOPMENT SECTION

### **Affidavit of Publication**

STATE OF LOUISIANA Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

who being duly sworn, deposes and says:

He/She is a duly authorized agent of LAKE CHARLES AMERICAN PRESS

a newspaper published daily at 4900 Highway 90 East,

Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893 Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s) dated:

00174376 - \$51.00

June\_15, 2005\_\_\_\_\_

00053262 LA, DEQ OEA/EPD/REGULATION DEVELOPMENT REMENDER WEATHERSPOON P.O. BOX 4314

Duly Authorized Agent

Subscribed and sworn to before me on this 15th day of June, 2005 at

Lake Charles, LA

00053262

LA. DEQ

Notary Public

Gwendolyn R. Dugas #056523

#### NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration (LAC 33:III.504 and 509)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246F).

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implementation rish to an industry.

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Clean Unit Exclusion—disregards increases from emissions units that have installed controls within the last 10 years;

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JUN 3 0 2005

LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

#### THE NEWS-STAR MONROE, LOUISIANA PROOF OF PUBLICATION

The hereto attached advertisement Was published in the NEWS-STAR.

A daily newspaper of general circulation.

Published in Monroe, Louisiana.

Parish of Ouachita in the issues of:

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

day of

**NOTARY PUBLIC** 

Pollution Control Project Exclusion—exempts certain projects that will cause a significant increase in emissions of one pollutant, but reduce emissions of an other pollutant, and Plantwide Applicability Limits—allows facilities to establish a cap on emissions and trade increases and decreases under the cap, without installing controls on new or modified emissions units.

The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/heatth benefits and social/economic costs is required. This proposed rule has no known impact or family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 28, 2005, at 1:30 p.m. in the Galvez Bullding, Oliver Poliock Conference Room, 602 N. Fittin Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the state implemented (19) to incorporate

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Wilbert F. Jordan, Jr. Assistant Secretary

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration (LAC 33:III.504 and 509) (AQ246F)

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..On December 01, 2002, the United States Swirphmental Protec-December tion Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean provisions of the Clean
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§51.166) or Part D
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Clean Unit Exclusiondisregards increases
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Exclusion-exempts certain projects that will
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emissions of another
pollutant; and

Plantwide Applicability
Limits-allows facilities to
establish a cap on emissions and trade increases and decreases under
the cap, without instalting controls on new or
modified emissions
units.

CERTIFIED COPY Polylas

# The Times

## PROOF OF PUBLICATION

RECEIVED

JUN 2 1 2005

LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

00000

STATE OF LOUISIANA PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton,

personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental Quality Office of Environmental Assessment Nonattainment New Source Review; Prevention of Significant Deterioration (AQ246F)

June 14, 2005

(Signed) alther Cutton

Sworn to and subscribed before me this 14th day of June, 2005

h lang 88. Barber (Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491 CADDO PARISH, LOUISIANA MY COMMISSION IS FOR LIFE



The basis and rationald for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA. EPA.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report reg a r d i n g environmental/health

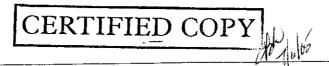
benefits and social/economic costs is required. This proposed

required. This proposed trile has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

...A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conlerence Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation the revision to the State implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate. contact, the commodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

..All interested persons are invited to submit written comments on the proposed regulation. ten comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246F. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D. Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@le.go proposed Persons judith.schuerman@la.go v. Copies of this pro-posed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ246F. This regulation is available on the Interwww.deq.louisiana.gov under Rules and Regulations.

..This proposed regula-tion is available for inion is available for inspection at the following DEQ office locations from 8 a.m. uniti 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, La 70802: 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Faiffield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374. Lockport, LA 70374. ..Wilbert F. Jordan, Jr. Assistant Secretary The Times: June 14, 2005



# The Times-Picanume

JUN 2 1 2005

LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonallahment New Source Review; Prevention of Significant Deterioration (LAC 33:11:504 and 509) (AQ246F)

Under the authority of the Environmental Quality Act, R.S. 30:2801 el seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 el seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air reputations, LAC 33:11.504 and 509 (Log \*AQ246F).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source

significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State implementation Plan (SIP), states implementing Part C (PSD permit program in 51.166) or Part D (nonattainment NSR permit program in 51.165) must include EPA's December 3), 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 31 permitting programs implementating programs implementating programs include EPA's December 3), 2002, changes as minimum programs implementating programs implementating these minimum programs implementation that the Louislana State implementation Plan for air quality.

quality.

EPA's NSR revisions (hereinafter Federal NSR Reform rule) include five malor elements:
Baseline Emissions-changes the method for determining the change is made (the baseline against which emissions increases are measured). Applicability Test-changes the method for estimating the emissions after the change; Clean Unit Exclusion-disregards increases from emissions units that have Installed controls within the last 10 years; Pollution Control Exclusion-exempts certain projects that will cause a significant increase in emissions of one poliulant, but reduce emissions of another poliulant, and

and Plantwide Applicability Limits-allows facilities to establish a cap on emissions and trade increases and decreases under the cap, wilhout installing controls on new or modified emissions units.

The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 10:2019(D)(2) and R.S. 19:931(G)(3); therefore, no report regard in penvironmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galver Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Balon Rouge, LA 70802. The hearing will also be for the Levision. Lo. Line: Stalle implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments. Should individuals with a disability need an accommodation in order to participate, conlact Judih A. Schuerman, Ph.D., at the address given below or al (225) 219-355D. Free parking its available across the street, in the Galver parking orange when the Galver parking tickel is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed resulation by AQ246F. Submit of the comments must be received no later than August 2, 2005, at 430 p.m., and should be sent to Judith A. Schuerman, Ph.D. Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Balon Rouse, LA 76821-4302 or to FAX (225) 219-3182 or by a mail to the control of the Comment of the Comm

Kuns and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 am. until 430 pm.: 602 N. Fifth Street, Balon Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Falfried Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LOSA 10815; 201 Evans Road, Building 4, Suile 420 New Orleans, LA 70123; 11 New Canter Drive, Lafayelie, LA 70304; 10 Baralaria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr Assistant Secretary

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picavune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached LEGAL NOTICE

RE:Notice of Intent Nonattainment New Source Review; Preventation of Significant Deterioration AQ246F

Advertisement of

Dept. Of Environmental Quality

P.O. BOX 4314

Baton Rouge, La. 70821-4313

Was published in

The Times Picayune

On the following dates

June 15, 2005

Sworn to and subscribed before me this

June, 2005

Day of -16th-

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492



#### RECEIVED

JUN 2 1 2005

LDEQ/OSEC/LARD THE ADVERTISER REGULATION DEVELOPMENT SECTION

221 JEFFERSON STREET LAFAYETTE, LA 70501 PHONE:

(337) 289-6300

FAX:

(337) 289-6466

#### AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon Department of Environmental Quality OEA/EPD/Regulation Development P. O. Box 4314 Baton Rouge, LA 70821-4314

Account No.:

LDEQRD

Ad Number:

07531110

Ad Total:

\$115.00

Ad Inches:

20

Reference No.:

\*\*To insure proper credit please refer to your account number and/or ad number when making payment. Remittance address: P.O. Box 3268, Lafayette, LA 70502-3268

I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER, a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT

Department of Environmental Quality

Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration -

Louisiana Revisions (LAC 33:111.504 and 509) (AQ246L)

was published in THE ADVERTISER on the following dates:

\*Wednesday, June 15, 2005

Legal Clerk

Sworn to and subscribed before me this

day of June, 2005.

10458588

07531110 NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Signifi-cant Deteribration Louisianà Revisions (LAC 33:111.504 and 509) (AQ246L)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initialed to amend the Air regulations, LAC 33:111.504 and 509 (Log #AQ246L).

amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246L).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states Implementing Part (CRE) mentation Plan (SIP), states Implementing Part C (PSD permit program in §51.166) or Part D (nonatfalinment NSR permit program in §51.165) must in-clude EPA's Decem-ber 31, 2002, changes as minimum program elements. States must adopt and submit reviadopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louislans State Implementana State Implementa-tion Plan for air quali-

tion Plan for air quality.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246L, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49.953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

Louisiana's rule adds
consequences for underestimation of projected actual emissions. For projects
originally determined
not to result in a significant net emissions
increase, if an owner
or operator subsequently reevaluates
projected actual emissions and determines
that a project has resulted or will now resultin a significant net
emissions increase,
the owner or operator
must either request
that the administrative authority limit the
potential to emit of the
affected emissions
units as appropriate
via federally enforceable conditions such
that a significant, net
emissions increase will
no longer result, or
submit a revised PSD
application within 180
days. Louislana's rule
eliminates "malfunctions" from the definitions of "baseline actual emissions" and
"projected actual
emissions" and
"projected actual
emissions." For purposes of this regulation, emissions that
are permitted or otherwise authorized
(e.g., by a variance)
are not to be considered
ered malfunctions.
Louislana's rule omits
the exclusions for temporary and permanent
clean coal fechnology
demonstration projects
and for the reactivation of a very clean
coal-fired electric utility steam generating
unit. Also, non-substantive "wording
and/or structural
changes are made to
update the regulations
and improve readability (e.g., alphabetized
definitions). The basis
and rationale for this
proposed rule are to
adopt the Federal NSR
Reform rule as mandated by the U.S. EPA
and include revisions
put forward by the de-

and include revisions put forward by the department.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/ health benefits and so-cial/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 pm. In the Galvez Building, Oliver Politock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit or alcomments on the proposed amendments. Should individuals with a disability need an accommodation in comments on The processed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comsons are invited to submit written comments on the proposed regulation. Persons commenting should reference, this proposed regulation by AQ2461 Submit Submi

ana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Flifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 7192; State Office Building, 1525 Fairfield Avenue, Shreveporf, LA 71101; 1301 Gadwall Street, Lake Dearles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70615; 211 New Center Drive, Lafayette, LA 70508; 110 Baratarla Street, Lockport, LA 70374. Wilbert F. Jordan, Jr. Assistant Secretary



#### RECEIVED

JUL 0 7 2005

LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

#### CAPITAL CITY PRESS

#### Publisher of THE ADVOCATE

#### PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the Official Journal of the State of Louisiana, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

**JUNE 15, 2005** 

Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above in Baton Rouge, Louisiana, on

JUNE 15, 2005

Pegeen Singley, Notary Public, #66565 My Commission Expires: Indefinite

**DEQ - REGULATION** 

PO BOX 4314 **BATON ROUGE, LA 70821-4314** 

3098221

This proposed rule meets an exception listed in R.S. 30.2019 (D)(2) and R.S. 49.953(G)(3): therefore, no report regarding environmental/health, benefits and social/economic costs is sequired. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49.972.

A9.972

A public hearing will be held on July 28, 2005, at 1:30 p.m in the Catver Building, Oliver Pollock Conference Floom, 602 N. Fifth Street, Baton Rouge LA 70802. The hearing will also be for the revision to the State amplementation? Plan (SIP) to incorporate this proposed rule, interested persons are invited to attend and submit oral comments on the proposed rule, interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D. at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

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All Interested persons are
invited to submit written comments on the proposed regulation. Persons commenting
should reference this proposed
regulation by AQ246L. Such
comments must be received no
later than August 2, 2005, at
430 p.m., and should be sent
to Judith A Schuerman, Ph.D.
Office of the Secretary, Legal
Affairs and Regulation
Development Division. Box
4302, Baton Rouge, LA 708214302 or to fax (225) 219-3582 or
by e-mail to judith, schuer
man@la.gov. Copies of this
proposed regulation can be
purchased by contacting the
DEQ Public Records Center at
(225) 219-3168. Check of
money order is required in
advance for each copy of
AC246L. This regulation is
available on the internet at
www.deq. busisana.gov under
fullas and Regulations.

Rulas and Regulations.

This proposed regulation is available for inspection at the following DEO office locations from 8 a.m. until 430 p.m. 602 N. Fifth Seet, Baton Rouge LA 70802; 1823 Highway 546, Wast Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA, 71101; 130 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building, 4, Suite, 420, New Orleans, LA 70123; 111 New Center Drive; Lafayette, LA 70508; 101 Barataria Street, Lockport, LA 70374.

Assistant Secretary, 3098221-jun 15-11

#### NOTICE OF INTENT

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Nonattainment New Source
Review, Prevention of
Significant Deterioration
Louisiana Revisions
(LAC 33:115.04 and 509)
(AQ246L)
Under the authority of the
Environmental Quality Act, R.S.
30:2001 et seq., and in accordance with the provisions of the
Administrative Procedure Act,
R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:11.504 and 509
(Log #AQ246L).

tions, IAG 33311.504 and 506 (Log #A0246L).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Heview (NSR) rule revising the regulations that implement the Prevention of Significant Deterloration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP) states implementing Part C (PSD) permit program in SS1.1659 or Part program in SS1.1659 or Part program in SS1.1659 must include EPAs December 1, 2002, changes as minimum program slements (States must adopt and submit revisions to their Part 51 permiting programs in molementing these minimum program slements also being proposed as a revision to the Louislana State implementation Plan for air quality.

The department's proposed rule A0246F adopts the federal rule. This rule; A0246F, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule A0246F. According to the Administrative Procedure Act (R.S. 49953(P.(1)), the department is required to propose a rule that differs from a lederal rule separately from a proposed rule that is identical to a federal rule.

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally delermined not to result if a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions radd determines that a project has result.

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#### RECEIVED

JUN 2 1 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

#### AFFIDAVIT OF PUBLICATION

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration - Louisiana Revisions (LAC 33:III.594 and 509) (AQ246L)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:111.504 and 509 (Log #AQ246L).

Clog #AQ246L).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), stales implementing Part C (PSD permit program in 51.166) or Part D (nonattainment NSR permit program in 51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting these minimum program elements. States must adopt and submit revisions to their Part 51 permitting these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246L, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must either request that the

(A Correct Copy of Publication )
administrative authority imit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 days. Louisiana's rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "proiected actual emissions," For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal ferdedered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal ferdedectric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the rederal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

This proposed rule meets an exception listed in R.S.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:931(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

described in R.S. 49:972,

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate; contact Judith A. Schuerman, Ph.D., at the address given below or at

address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

I, Linda Ward, Call Center Supervisor
of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Legal Notice

advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertions commencing with the issue dated June 15, 2005 and ending with the issue dated June 15, 2005.

Subscribed and sworn to before me

vida V. led

this 15th day of June, 2005

Notary Number \_

MAYING

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246L Such, comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal, Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or by per mail, to judith schuerman@la.gov.Copies of this 3 proposed regulation. Can'be purchased by contacting the DEG? Public Records Center at (225):219-3168. Check or money order is required in advance for each copy of AQ246L; This regulation is available on the internet at www.ded.louisiana.gov.under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.; 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71202; State Office Building, 1525 Fairfield Avenue, Street, Lake Charles, LA 70615; 201 Evans Road, Building, 4, 5016 23, 1119 New Center Drive, Lafayette, LA 7058; 110 Barataria Street, Lockport, LA 70374.

WILBERT F. JORDAN, JR. Assistant Secretary 

JUN 3 0 2005

CERTIFIED COPY Publisher of

#### NOTICE OF INTENT

Department of Environmental -Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration - Louisiana Revisions (LAC 33:III.504 and 509) (AQ246L)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246L).

On December 31, 2002, the

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On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Monattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in \$51.166) or Part D (nonattainment NSR permit program in \$51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs impleand sobmit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This hule is also being proposed as a fevision to the Louisiana State Implementation Plan for air quality.

ity.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246E, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49:953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

THE NEWS-STAR MONROE, LOUISIANA PROOF OF PUBLICATION

The hereto attached advertisement Was published in the NEWS-STAR. A daily newspaper of general circulation. Published in Monroe, Louisiana.

Parish of Ouachita in the issues of:

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

**NOTARY PUBLIC** 

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result, in a significant net emissions increase, if an owner or operator subseduently revaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must either request that the administrative authority ilmit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 days. Louisiana's rule eliminates "malfunctions" from the definitions of "baseline actual emissions." For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility, steam generating unit. Also, non-substantive wordling and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

This proposed rule meets an exception listed in R.S. 89:2019(D)(2) and R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuemman, Ph.D., at the address given below or at (225) 219-350. Free parking is avai

All interested persons are Invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by A0248L. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mails to receive the secretary of this proposed regulation can be purchased by contacting the DEQ Public Records Center, at (225) 219-3168. Check or money order is required in advance for each copy of A0246L. This regulation is available on the interest www.deg.louisiana.gov under Rules and Regulations. This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Houge, LA 70802; 1823 Highway 546; West Monroe, LA 71292; State Office, Building, 1525 Fairfield, Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Chiarles, LA 70615; 201 Evans Road, Building, 4. Suite 420. New Orleans, LA 70123; 111 New Center Drival Andread Regulation is available; LA 70508; 110 Barataria, Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr. Assistant Secretary

Monroe, LA ; June 15, 2005

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration - Louisiana Revisions (LAC 33:III.504 and 509) (AQ246L)

"Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246L).

On December 31, 2002, the United States tion Agency published a final New Source Review final New Source Review
(NSR) rule revising the
regulations that implement the Prevention of
Significant Deterioration
(PSD) and
Nonattainment New
Source Review (NNSR) provisions of the Clean Act. approvable under the State Implemental Plan (SIP), states implemental Plan C (PSD Parmit program in permit program in §51.166) or Part D (nonattainment NSR per-mit program in §51.165) must include EPA's December 31, 2002, changes as minimum elements program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246I, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure. Act (R.S. 49:953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner of operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must

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JUN 2 1 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

#### PROOF OF PUBLICATION

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STATE OF LOUISIANA PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton,

personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental Quality Office of Environmental Assessment Nonattainment New Source Review; Prevention of Significant Deterioration – Louisiana Revisions (AQ246L)

June 14, 2005

(Signed) althor Cutton

Sworn to and subscribed before me this 14th day of June, 2005

h Jiana 2k. Couler (Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491 CADDO PARISH, LOUISIANA MY COMMISSION IS FOR LIFE



either request that the administrative authority limit the potential to emit of the affected emissions units as appropriate via ferieraliv enforceable federally enforceable conditions such that a significant net emissions increase will no longer increase was to longer result, or submit a re-vised PSD application within 180 days. Louisia-na's rule eliminates "mattunctions" from the definitions of "baseline cettral experience," and actual emissions" and "projected actual emissions." For purposemissions. To pulpasses of this regulation, emissions that are permitted or otherwise authorized (e.g. by a variance) are not to be considered malfunctions. Louisiana's rule omits the exclusions for tenporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam gen-erating unit. Also, nonsubstantive wording structura and/or changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report reg a r d i n g environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

... A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fitth Street; Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed armendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking ticket is validated by department personnel at the hearing.

...All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246L. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4:302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith schuerman @la.go v. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 2:19-3168. Check or money order is required in advance for each copy of AQ246I. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

...This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Filth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71992; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Sulte 420, New Orleans, LA 70508; 111 New Center Drive, Lalayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

.. Wilbert F. Jordan, Jr. .. Assistant Secretary . The Times: June 14, 2005 Under the authority of the Environmental Quality Act, R.S. 30:2001 et sea,, and in accor-dance with the provi-sions of the Administra-tive Procedure Act, R.S. 49:950 et sea, the secre-tory gives notice that rulemaking procedures

49:950 et sea., the secretary gives notice that ruiemaking procedures have been initiated to amend the Air regulations, LAC 33:11.504 and 509 (Log #AQ246L).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in \$51.166) or Part D (nonattainment NSR permit program in \$51.165) must include permit program in \$51,165) must include EPA's December 31, 551.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation

vision to the Louisiana State Implementation Plan for dir quality.
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Louisiana's rule adds consequences for under-estimation of projected estimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must sions increase, the owner or operator must either request that the administrative authoradministrative authority limit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 application within the days. Louisland's rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "prolected actual emissions.

# CERTIFIED COPY

**Affidavit of Publication** 

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JUN 2 1 2005

LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

STATE OF LOUISIANA Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

who being duly sworn, deposes and says:

He/She is a duly authorized agent of LAKE CHARLES AMERICAN PRESS

a newspaper published daily at 4900 Highway 90 East,

Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893) Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s) dated:

00174380 - \$61.00 June 15, 2005

00053262 LA. DEQ OEA/EPD/REGULATION DEVELOPMENT REMENDER WEATHERSPOON P.O. BOX 4314

Duly Authorized Agent

Subscribed and sworn to before me on this 15th day of June, 2005 at

Lake Charles, LA

00053262

LA. DEQ

Gwendolyn R. Dugas

Notary Public

For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g.) by a variance) are not to be considered maltunctions. Louisiana's rule omits the extension of the property of the land of the consideration of the maitunctions. Louisiand's rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the resulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forclude revisions put for-ward by the depart-

ward by the department.

This proposed rule meets an exception ilsted in R.S. 39:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impoct on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 c.m. in the Galvez Bullding, Oliver Pollock Conference

Galvez Building, Oliver Poilock Conference Room, 602 N. Flith Street, Bation Rouge, LA 70802; The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit and comments are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at. (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by deficient the street in the control of ticket is validated by de-partment personnel at the hearing.

All Interested persons are invited to submit

written comments on the proposed regulation. the proposed regulation. Persons commenting should reference this proposed regulation by AQ246L. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division; Box 4302, Baton, Box 4302, Baton, lation Development Di-vision, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.go v. Copies of this pro-posed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or maney order is required in advance for each copy of AQ246L. each copy of AQ246L. This regulation is available on the Internet at www.deq.louislana.gov under Rules and Regula-

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.; 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Sulfe 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr. Assistant Secretary June 15

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JUN 2 1 2005

## The Times-Picanume

LDEQ/OSEC/LARD REGULATION DEVELOPMENT SECTION

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration - Louisiana Revisions (LAC 33:III.504 and 509) (AQ246L)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:til.504 and 509 (Log #AQ246L).

509 (Log JAQ246L).

On December 31, 2002, the United States Environmental Profection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deletioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State implementation Plan (SiP), states implementation Plan for air quality.

quality.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246L, includes Louisland revisions put forward by the department. These revisions supersed text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49:531F(1)), the department is reoutred to propose a rule that differs from a federal rule separately from a proposed rule.

In the semical to a revie a disconsequences in a disconsequences for underestimation of projected actual emissions. For projects originally determined not large in a significant net emission increase, if an owner occurrences of a significant net emissions increase, if an owner occurrences of a significant net emissions and determines that a project has resuled result in a significant net emissions increase, the owner or operator must either request hat the administrative sulhority limit the potential to emit of the affected emissions units as appropriate via federally emissions such that a significant net emissions increase will no longer result, or submit a revised PSD, application within 180 days. Louisiana's rule eliminates matifunctions from the definitions of baseline actual emissions. For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered matuactions. Louisiana's rule omits the exclusions for temporary and permanent clean coal technology demonstration of a very clean coal-fried electric untilly steam generating electric untilly steam generating Louisiana's rule adds projects and for the reactivation of a very clean coal-fired electric utility sleam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and railonale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions out forward by the department.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (?) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

49.972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Poliock Conterence Room, 802 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Impressed persons are juvited to attend and submit or at comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participale, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-1550. Free parking is available across the street in the Galver parking licket is validated by department personnel at the hearing.

All interested persons are

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Wilbert F. Jordan, Jr.

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached LEAL NOTICE

RE: Notice of Intnet Nonattainment New Source Review; Prevention of Significant Deterioration AO246L

Dept. Of Environmental Quality Advertisement of

P.O. BOX 4314

Baton Rouge, La. 70821-4313

The Times Picayune Was published in

June 15, 2005 On the following dates

Sworn to and subscribed before me this

Day of June 2005 \_16th

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492